

REMARKS

In the Office Action mailed June 19, 2008 the Office noted that claims 18-25 and 33-38 were pending and rejected claims 18-25 and 33-38. Claims 21 and 33-35 have been amended, no claims have been canceled, and, thus, in view of the foregoing claims 18-25 and 33-38 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

REJECTIONS under 35 U.S.C. § 112

Claims 20-22, 24-25, 34 and 36-38 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The Applicant has amended the claims to recite either "a thread profile facing the convergent end" or "a thread profile facing the body of said core."

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 102

Claims 18-22, 25, and 33-38 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Carmont, GB 12,231. The Applicants respectfully disagree and traverse the rejection with an argument.

Carmont discusses a non-skid stud for India rubber

tires.

On pages 2 and 3 of the Office Action, the Office asserts that Carmont, figures 1, 5, 6 and 7 disclose "in that said threaded portion presents a substantially conical or frusto-conical core," as in claim 18.

While Applicant acknowledges that according to MPEP § 2121.04, a picture or drawing may be enabling. That section of the MPEP also requires "[h]owever, the picture must show all the claimed structural features and how they are put together. *Jockmus v. Leviton*, 28 F.2d 812 (2d Cir. 1928)."

Further, MPEP § 2125 also states "[w]hen the reference does not disclose that the drawings are to scale and is silent as to dimensions, arguments based on measurement of the drawing features are of little value."

The Office asserts that Carmont has "the first profile being substantially perpendicular to an axis of a conical core and a second profile having an obtuse angle **between 95 and 110 degrees.**" (Emphasis added) These measurements are not disclosed in the Specification of Carmont, nor are they discernable from the drawings.

Thus, Carmont is not enabling, therefore does not disclose "said threaded portion presents a substantially conical or frusto-conical core," as in claim 18.

For at least the reasons discussed above, Carmont fails to anticipate claim 1 and the claims dependent therefrom.

REJECTIONS under 35 U.S.C. § 103

Claims 18-21, 23-24, 33-25 stand rejected under 35 U.S.C. § 103(a) as being obvious over Forslund, U.S. Patent No. 3,124,191 and Official Notice. The Applicants respectfully disagree and traverse the rejection with an argument.

The present invention claims a stud having a large cutting edge with the same inclination of the thread, a conical or frusto-conical core and a thread extending along a cylindrical surface.

Thus the invention as claimed provides a self tapping stud that facilitates penetration into the rubber (conical or frusto-conical core) without breaking it (large cutting edge with the same inclination of the thread). Such a conical or frusto-conical core it is possible to have a large cutting edge that make easier the entrance into the tyre. The frusto-conical core and the large cutting edge, inclined as the thread, facilitate the penetration of the stud into the rubber. Further, during the operations, the stud so shaped, do not stress and do not tear the rubber.

Forslund discusses a stud with a thread of trapezoidal profile, the helical edge extends along a variable diameter and comprises an annular flange to be inserted into the tyre.

On col. 2, lines 14-17 of Forslund, it is stated that the "top of the thread may preferably be rounded to a suitable

radius or may be severed in parallel to the longitudinal axis, so that the profile of the thread becomes trapezoidal."

Thus, Forslund does not disclose or make obvious in view of Official notice "said threaded portion presents a substantially conical or frusto-conical core," as in claim 18.

For at least the reasons discussed above, Forslund in view of Official Notice fails to render obvious the features of claim 18 and the claims dependent therefrom.

Further, Forslund fails to disclose "said obtuse angle is between 95 and 110 degrees," as in claim 22. The reference is silent to such a feature.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 112, 102 and 103. It is also submitted that claims 18-25 and 33-38 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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